

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

TRAVIS R. MCPEEK, Petitioner, vs. SOUTH DAKOTA BOARD OF PARDONS AND PAROLES; and ALEJANDRO REYES, Warden at MDSP, Respondents.	4:24-CV-04198-KES ORDER ADOPTING THE REPORT AND RECOMMENDATION IN FULL, DISMISSING PETITION FOR WRIT OF HABEAS CORPUS, AND DENYING MOTION TO STAY
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Petitioner, Travis R. McPeck, filed a habeas petition pursuant to 28 U.S.C. § 2241. Docket 1. The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and the District of South Dakota's Civil Local Rule of Practice 72.1.A.2(b), which designates to the magistrate judge the duty to prepare proposed findings and recommendations for the disposition of habeas petitions. Magistrate Judge Veronica L. Duffy issued a report recommending that McPeck's petition be dismissed without prejudice because his claims are unexhausted. Docket 4 at 2. McPeck also filed a motion to stay the proceedings, Docket 3, which Magistrate Judge Duffy recommended be denied because a stay is inappropriate in a situation where claims are completely unexhausted, Docket 4 at 2. The time for objecting to the report and recommendation has passed. *See id.* No objections have been filed in this case. The court has considered the case de novo and adopts the report and recommendation in full.

Thus, it is ORDERED:

1. That Magistrate Judge Duffy's report and recommendation (Docket 4) is adopted in full.
2. That McPeek's petition under 28 U.S.C. § 2241 (Docket 1) is dismissed without prejudice.
3. That McPeek's motion to stay (Docket 3) is denied.

DATED December 13, 2024.

BY THE COURT:

/s/ Karen E. Schreier
KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE